

CITY COUNCIL MINUTES

September 14, 2009

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, September 14, 2009 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Kevin Hanley, Bridget Powers, J. M. Holmes

Council Members Absent: Bill Kirby

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6: **MOTION: Nesbitt/Hanley/Approved by Voice**

- (1) **CONFERENCE WITH LABOR NEGOTIATORS**
Agency Designated Representatives: Robert Richardson, David Mackowiak
Employee Group: All Bargaining Units
- (2) **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
G.C. 54957

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Proclamation: Constitution Week, September 17 – 23, 2009

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. Warrants

By **RESOLUTION 09-110** ratify and approve payment of Warrants #72396 through 72993 totaling \$3,247,523.42.

2. Minutes

By **MOTION** approve Regular Session City Council minutes of August 10, 2009 and Joint City Council and Auburn Urban Development Authority minutes of August 10, 2009.

3. Disability Retirement Application of William Zander

By **RESOLUTION 09-111** the City Council determine Battalion Chief William Zander to be medically disabled from the duties of his position and inform the California Public Employees' Retirement System (PERS) of that determination for its use in determining Mr. Zander's disability retirement application.

4. Authorization for the Community Development Director to Submit an Application with the Placer County Local Agency Formation Commission (LAFCO) for Annexation of a Parcel Located on New Airport Road

A. By **RESOLUTION 09-112** adopt a Categorical Exemption prepared for the project as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and

B. By **RESOLUTION 09-113** authorize the Community Development Director to submit an application with the Placer County Local Agency Formation Commission (LAFCO) to annex a \pm 8.3 acre property located at 13620 New Airport Road.

5. Quarterly Report of Investments – Quarter Ending June 30, 2009

Receive, review and file the "City of Auburn Quarterly Investment Report" for the quarter ending June 30, 2009.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar. **MOTION: Nesbitt/Powers/**
Approved 4:0 (Absent: Kirby)

6. **Public Comment**

None

REPORTS

7. **Informational Reports from Committees/Commissions**

Michael Otten, Library Advisory Board Member, invited the Council to attend a luncheon at the Library in honor of Jean Couzens in celebration of her 100th birthday.

Mr. Otten said he would like to correct the record regarding "junk food at the library." He said there was a report in the paper that the library was providing coupons for junk food. He said the children choose their prizes and picked books 30 to 1 over coupons for Carls Jr.

Mr. Otten said the Auburn Library was one of twenty-one libraries throughout the State that participated in a special program. He said that the participants did some remarkable work with their photos and essays.

Mr. Otten said noon programs will begin October 2, 2009 at the library.

Council Member Hanley suggested that the library may receive more donations of good books if the donor felt the books would be put on the shelf rather than being sold at a book sale.

Mayor Holmes stated that he felt library staff should look at donated books to see if they could be included in the library's collection.

8. **Department of Public Works Quarterly Report**

Mayor Holmes complimented the Department of Public Works for all its work throughout the last couple of years.

Public Works Director Jack Warren reported on sewer projects. He said the wastewater treatment plant improvements are underway. He said discussion will continue about the regional sewer plan. He said due financial constraints, Public Works will be handling more "on call" events. He said for the past twenty years either Teichert or Granite has been handling them for the City.

Mr. Warren said that a few months ago the City provided an outlet for pharmaceutical products that need to be destroyed. He said it was successful; and another collection is planned for September 26, 2009 at City Hall.

Mr. Warren advised the Council of the status of (1) of the signal modification at Borland Avenue (2) overlay project for Indian Hill Road (3) proposed Indian Hill signal project of the United Auburn Indian Community (4) School Park Preserve Community Garden (4) airport hangar project (5) jury parking lot and the (6) Streetscape Phase I.

Mayor Holmes asked if the trees in front of the Masonic Building were to be removed and replaced with new trees. Engineering Division Manager Schroder answered that the trees would be removed and replaced during the second phase of the streetscape.

Mayor Holmes stated that he was under the impression that the painting of the old fire house in Old Town was to be added to the list of projects. He said, even if projects are not funded, he would like to see them listed in the event that funds become available.

Council Member Hanley stated that he also requested the repainting of the Old Town Firehouse. He said he would also like to have surveillance equipment placed at the Conheim Transit Station and the parking lot. Mr. Warren advised that there had been some discussion with PCTPA about working with Amtrak and/or Capital Corridor to install surveillance equipment. He said he will put it on the list to be certain it is not neglected. Engineering Division Manager Bernie Schroeder advised that Amtrak currently has surveillance at the station but that it is monitored by its own policing personnel.

Council Member Nesbitt said that all the uses of the old City Hall building should be discussed prior to going out to bid for roof repair in case roof penetrations will be necessary.

Council Member Powers thanked Megan Siren for providing weekly updates for the Streetscape and Bernie Schroeder for her continual contact with the business owners.

9. **City Council Committee Reports**

Council Member Nesbitt said the Economic Development Commission approved the brochure and maps that will be placed in kiosks along the Streetscape. He said he attended a PCTPA meeting and there was discussion about moving the Roseville Train Station. He said an additional

additional train to Auburn has been placed on hold for the time being.

Council Member Powers announced that the Placer County Economic Development Commission will be meeting at North Star at Lake Tahoe for those interested in attending. She also advised that on September 24, 2009, Placer County, the City of Auburn and the Chamber of Commerce will conduct an Airport Business Focus Group and encouraged attendance.

COUNCIL BUSINESS

10. Solar Photovoltaic Project

Public Works Director Jack Warren introduced the item. He said that, following Council direction, an evaluation panel was created. He said the panel entertained presentations from four companies. He said the panel unanimously agreed that Pacific Power was the best of the four firms. He asked, if negotiations break down with Pacific Power, that Council allow the second rated firm to be engaged in negotiations.

Council questions and comments followed regarding (1) site selection of the wastewater treatment plant vs. multiple sites (2) the possibility of the regional wastewater solution (3) written proposal review and (4) AB2466.

By **MOTION** authorize staff to begin negotiations with Pacific Power Management, LLC for a solar photovoltaic project that would reduce the City's use of electrical energy purchased from PG&E and reduce the annual cost of power. If negotiations with Pacific Power Management, LLC are not successful, pursue negotiations with the company rated second by the evaluation panel. **MOTION: Hanley/Nesbitt/Approved 4:0 (Absent: Kirby)**

11. Possible Closure of Lake Clementine

Mayor Holmes advised that he requested that the possible closure of Lake Clementine be placed on the agenda. He said it was a recent issue that deserved the attention of the Council as quickly as possible. He said that about three years ago the issue was addressed when there was a possibility of closing Lake Clementine for boating and other recreational uses. He said that the Auburn Boat Club requested that the Council review the issue and render an opinion.

He said that he and Council Member Hanley attended a meeting with representatives from Placer County Water Agency, the Bureau of Reclamation (BOR), the Army Corps of Engineers, representatives from Senator Cox's and Senator Aanstad's office, Assemblyman Gaines and

State Parks. He said that they had a through discussion of the issue. He said the BOR has had an agreement with State Parks to operate the Auburn State Recreation Area, which is Federal property. He said the BOR said that due to a reduction in its budget, the BOR may not be able to support the contract to its current extent. He said the Army Corps of Engineers does not have the funding or the mandate to support recreation in the area. He said he is recommending that the City Council (1) initiate a request to the Federal Government to appropriate \$200,000.00 for fiscal year 2009 and a similar amount in future years to the BOR and (2) draft letters to State and Federal elected officials to urge the additional funding.

Mayor Holmes advised that October 1, 2009 is the end of the fiscal year for the Federal Government. He said if some action is not taken by January 1, 2010, all the facilities will be closed at Lake Clementine, and the Army Corps of Engineers will assume the responsibility of inspection and maintenance of the dam.

Council Member Hanley stated that he agreed with the Mayor. He said he drafted a letter for the City Council review so that it could be sent immediately.

Christine Rydell, representative from Senator Aanstad's office, said that although the Auburn Boat Club had contacted the Senator's office, there is much more at stake with the complete public closure of Lake Clementine, both lower and upper. She said the kayak community as well recreational boaters will also be affected. She said Senator Aanstad's office is working with Senator Cox's office and Assemblyman Gaines' office to meet with Congressman McClintock's office to encourage federal funding.

Council questions and comments followed regarding the (1) funding source and (2) letter content.

Mayor Holmes advised that it was the consensus of the Council to send the letters to Senator Feinstein, Senator Boxer and Congressman McClintock. He asked that City Manager prepare the letter with information copies to State elected representatives.

ADJOURNMENT

Mayor J. M. Holmes, without objection, adjourned the meeting at 7:10 p.m.

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk

CITY COUNCIL MINUTES

September 28, 2009

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, September 28, 2009 at 6:00 p.m. immediately following a 5:15 p.m. Closed Session with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL:

Council Members Present: Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes

(Note: Powers and Hanley were absent for roll call, but were in attendance)

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, Community Development Director Will Wong, Associate Planner Lance Lowe, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Robert Richardson, David Mackowiak

Employee Group: All Bargaining Units

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Proclamation: Jean L. Couzens Day in Auburn

Proclamation: Walk to School Week

Commendation: Judith L. Johnson, Retired Auburn Police Department
Dispatcher

Mayor Holmes stated that he and Council Member Hanley learned two weeks ago that the closure of Lake Clementine was a strong possibility. He said that the Council by consensus took immediate action to contact representatives in Washington, D.C. He said the next day letters were sent to Senators Boxer and Feinstein and Congressman McClintock. He said he has since received a letter from Congressman McClintock that the funds had been found through the Bureau of Reclamation to keep Lake Clementine open for recreation until the end of the 2010 fiscal year, September 30, 2010.

Mayor Holmes said additional funding must still be appropriated beyond the 2010 deadline. He said that the office of Congressman McClintock has advised that it will continue to monitor the situation for future funding. Mayor Holmes said he felt it was the quick action of Council Member Hanley, and the Council, that provided the initial success of keeping Lake Clementine open for another year.

Mayor Holmes thanked the Board of the Auburn Recreation District (ARD) for confirming that there is no current plan to place a sign honoring William Shockley at the park area that Mr. Shockley and his wife donated to ARD.

Mayor Holmes was pleased to announce that the Auburn Police Department was able to rehire two officers that were laid off due to budget cuts. He said a grant was obtained as well as some State funding for the Special Investigations Unit that allowed the officers to be rehired. He said the City will continue to work on employment issues as time allows and money becomes available.

Mayor Holmes announced that the meeting would be dedicated to the memory of Jane Taylor, wife of former Mayor and Council Member O. C. Taylor. He said Mrs. Taylor had passed away a few days previously.

AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

1. Minutes

By **MOTION** approve City Council Minutes of August 24, 2009.

2. **2009-10 Street Overlay Project – Bid Award**

By **RESOLUTION 09-114** authorize the Director of Public Works to execute a construction contract with Teichert Construction for the 2009-10 Street Overlay Project in an amount not to exceed \$332,200.00

3. **Pathway “Club Car” Vehicle Surplus Donation**

By **RESOLUTION 09-115** authorize the surplus and ownership transfer donation of one (1) used 2002 Pathway “Club Car” golf cart (VIN# 515LD22B82 A227699) valued at \$500.00 to the Placer Union High School District.

***** End of Consent Calendar *****

By **MOTION** approve the Consent Calendar. **MOTION: Nesbitt/Hanley/ Approved 5:0**

4. **Public Comment**

Transit Analyst Megan Siren updated the Council on the Pharmaceutical Take-back Program that took place Saturday, September 26, 2009. She said there were 106 vehicles and the items completely filled a three-yard bin.

Marilyn Carter, Auburn resident, spoke regarding the attack on a young man by four pit bulldogs on September 16, 2009. She said the safety of the community is at risk if the animals are returned to their owners. She asked the Council for support. Mayor Holmes told her that he shared her concern and that everything is being done to ensure public safety. He advised that there is a judicial process that must be followed.

PUBLIC HEARING

5. **Consider a General Plan Amendment and Rezone at 512 & 514 Sacramento Street**

Associate Planner Lance Lowe introduced the item. He said the applicant owns an engineering business and would like to utilize the existing, vacant church located at 514 Sacramento Street for office use. He said a general plan amendment is necessary to allow office use. He said that staff recommended both properties be designated neighborhood commercial zoning “thereby squaring off the zoning.” He said there is no project planned for the property at 512 Sacramento Street. He explained access to the property, easement approval, grading, parking and refurbishing of the

the existing facility. He said the Planning Commission unanimously recommended approval of the action.

Council questions followed regarding (1) location clarification (2) use of neighboring property (3) adjacent property owners and (4) the number of vehicle trips.

Larry Houghtby, partner with Bret McComb in an engineering business, explained that they plan to purchase the property. He explained that traffic to and from the office would be very minimal due to the nature of the business.

- A. By **RESOLUTION 09-116** approve the 512 & 514 Sacramento Street General Plan Amendment. **MOTION: Nesbitt/Powers/ Approved 5:0**
- B. Introduce and hold a first reading, by title only of an **ORDINANCE** to amend the Zoning designation from Residential Single Family, minimum parcel size 10,000 (RT-1-10), to Neighborhood Commercial (C-1) Zone. **MOTION: Nesbitt/Powers/Approved 5:0**
- C. By **MOTION** adopt a Mitigated Negative Declaration, prepared for the General Plan Amendment and Rezone as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines. **MOTION: Nesbitt/Powers/ Approved 5:0**
- D. By **MOTION** adopt a Mitigation Monitoring and Report Plan (MMRP) implementing and monitoring all Mitigation Measures in accordance with the California Environmental Quality Act (CEQA) and Guidelines. **MOTION: Nesbitt/Powers/ Approved 5:0**
- E. By **MOTION** adopt the Findings of Fact and Conditions of Approval recommended by the Planning Commission for approval of the General Plan Amendment & Rezone as presented in the Staff Report. **MOTION: Nesbitt/Powers/ Approved 5:0**

REPORTS

6. **Informational Reports from Committees/Commissions**

Due to the absence of Auburn Arts Commission Chair Louise Burda Gilbert, a report was not presented to the Council.

7. **City Council Committee Reports**

Council Member Hanley advised that he and Council Member Kirby have been working on a report to the Council on their review of City Committees, Commissions and Boards. He said the report was complete and would be submitted to the City Manager the following day.

Council Member Nesbitt provided Council with information from the last meeting of the Placer County Transportation Planning Agency (PCTPA). He said PCTPA is involved in a pilot program wherein surplus vehicles will be purchased from the County to be re-sold for \$100 to the Loomis Life Center for its use. Council Member Nesbitt advised of upcoming Unmet Transit Needs Workshops. He said the November and December Board meetings will be combined on December 3, 2009.

Council Member Nesbitt said the Capital Corridor Joint Powers Authority's Executive Director Eugene Skoropowski is retiring. He said that before his retirement, Mr. Skoropowski has made it a priority to add one more train to Auburn.

Council Member Powers announced the next meeting of the Economic Development Commission. She said the Arts Commission is accepting applications for scheduled vacancies. She thanked Council Members for attending the Airport Business Park Forum. She said a summary will be prepared of what transpired at the meeting and made available to the public, hopefully, via the City's website.

COUNCIL BUSINESS

8. **Development of a Strategic Plan to Aid in the Prevention of Catastrophic Wildfire in the City of Auburn**

Fire Chief Mark D'Ambrogi introduced the item. He presented a proposal of a Strategic Plan to address some of the wildfire issues within the City of Auburn. He said there are three broad objectives to be reviewed at a later date: (1) more community involvement (2) the City's responsibility with code adoption, ordinance development and enforcement and (3) a campaign to initiate the support of the Bureau of Reclamation (BOR). He also informed the Council of the issues involved in the recent "49 Fire" and how those circumstances compare to what could happen within the City of Auburn.

Council Member Hanley, Chair of the Auburn Fire Safe Council, said that at their last meeting an idea was discussed regarding working on a variance with the BOR to allow residents to clear some of the wood fuel in the

the canyon. He said it has been done with other counties and seems like it may be a good avenue for Auburn. He suggested it be added as a fourth objective.

Council questions and comments followed regarding (1) clearing of the canyon rim trail (2) completion of the memorandums of understanding (MOUs) and (3) whether or not residents could hire people to remove wood fuel.

Robert Snyder, 100 Marina Ave., Auburn, said the shaded fuel break that the City put into place about seven years ago is gone. He said there already is a strategic plan for the greater Auburn area. He said federal agencies have limited budgets and limited resources. He said as long as the City looks to those agencies to solve the problem, there will not be a shaded fuel break. He said the City needs to find a way to take on the problem itself if the other agencies do not do it. He urged the Council to make the highest priority to negotiate a MOU "with appropriate federal agencies for the maintenance of the Auburn shaded fuel break." He said the City must take the responsibility to solve the problem within the next few months.

Chief D'Ambrogi agreed with Mr. Snyder, but would like to concurrently address all the issues involved to include areas not associated with federal properties. He said public awareness is crucial.

Council Member Hanley said there was a community meeting held by Placer County after the "49 Fire." He said home and business owners spoke of the tragedy. He suggested that the "49 Fire" should be a "wake-up call" for the City of Auburn. He said that when the rainy season is here, we should not lose the sense of urgency that is required to help prevent wildfires.

Council Member Nesbitt concurred with Mr. Snyder and Council Member Hanley. He said there is a need to take care of the problem ourselves. He said he fears complacency in areas that are not shown as high fire zones on the fire map.

Council Member Powers stated that she supports any plan to lessen the danger of catastrophic wildfire and a program that gets the public involved.

Council Member Kirby concurred with all Council Members and Mr. Snyder. He commended Council Member Hanley and Chief D'Ambrogi for their efforts. He said all areas of the City need to be prepared.

By **MOTION** approve the recommendation and authorize the Fire Chief to begin the development of a Strategic Plan to address prevention of catastrophic wildfire within the City of Auburn to include the objectives named and to pursue a variance process with the Bureau of Reclamation (BOR). **MOTION: Nesbitt/Hanley/Approved 5:0**

9. **Petition to Prevent a Catastrophic Fire in Auburn**

Council Member Hanley said the third objective approved was that the "City of Auburn citizens create a positive campaign that identifies the concern and advocates support from the Bureau of Reclamation top officials for fuels management on adjacent federal lands." He said the Fire Safe Council felt that a petition should be on line to collect signatures in addition to collecting signatures at meetings and social gatherings.

Council Member Nesbitt reminded Council that the pursuit of a variance process with BOR should be added.

Council Member Powers asked if all petitions would be sent at one time. Council Member Hanley responded that after a specific amount of time gathering signatures, the Council could decide the best means of presentation to federal officials.

Colleen Conley, 9775 Heidi Way, Auburn (Unincorporated Placer County), said the area in which she lives is "heavily forested." She said her homeowners association encouraged residents to clear their property of brush and undergrowth. She said that during the process she found that the "chipper program" had been discontinued in the County. She said she would like to see the program reinstated and asked if the Council could do anything about it. Mayor Holmes said he would make a request to the Board of Supervisors to reinstitute the program.

By **MOTION** approve placing a petition, "Prevent a Catastrophic Fire in Auburn," on the City's website to facilitate the collection of resident names in support. **MOTION: Hanley/Nesbitt/Approved 5:0**

ADJOURNMENT

Mayor Holmes, without objection, adjourned the meeting in memory of Jane Taylor to meeting of the Auburn Urban Development Authority

J. M. Holmes, Mayor

Joseph G. R. Labrie, City Clerk